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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:15-CR-220-JCM-VCF
)	
)	
Plaintiff,)	
)	
v.)	
)	
LEON JOHNSON,)	
)	
Defendant.)	
_____)	

AMENDED
STIPULATION FOR EXTENSION OF TIME

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Paul D. Riddle, Assistant Federal Public Defender, counsel for Defendant LEON JOHNSON, that the date for the Government to file a response to the Defendant's "Objections to Report and Recommendation" (Docket #40) be extended for two (2) weeks.

This stipulation is entered for the following reasons:

1. On October 5, 2015, the Defendant filed a Motion to Dismiss. *See* Docket #26. The Government filed a response on November 2, 2015. *See* Docket #31. On November 17, 2015, the Magistrate Judge issued a Report and Recommendation recommending that the Defendant's Motion to Dismiss be denied. *See* Docket #33. On December 16, 2015, the

1 Defendant filed Objections to the Report and Recommendation. *See* Docket #40. PACER set
2 the Government's response deadline for January 2, 2016, which was a Saturday. The
3 Government's response is therefore due on January 4, 2016.

4 2. On January 5, 2015, undersigned counsel for the United States will begin a trial in
5 the matter of *United States v. Charles Ray Bell, Jr.*, case number 2:14-cr-138-JAD-VCF.
6 Counsel for the Government has been preparing for that trial for the last two weeks.

7 3. The Defendant is incarcerated, but he does not object to the continuance of the
8 Government's response deadline.

9 4. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for the Government adequate time to prepare an adequate response to
11 the Defendant's Objections.

12 5. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice.

14 6. This is the first stipulation filed herein to continue the Government's response
15 deadline.

16 DATED: January 4, 2016.

17
18 /s/
19 PHILLIP N. SMITH, JR.
20 Assistant United States Attorney
21 Counsel for the United States

17
18 /s/
19 PAUL D. RIDDLE, AFD
20 Counsel for Defendant LEON JOHNSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:15-CR-220-JCM-VCF
)	
)	
Plaintiff,)	
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v.)	
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LEON JOHNSON,)	
)	
Defendant.)	
_____)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On October 5, 2015, the Defendant filed a Motion to Dismiss. *See* Docket #26. The Government filed a response on November 2, 2015. *See* Docket #31. On November 17, 2015, the Magistrate Judge issued a Report and Recommendation recommending that the Defendant's Motion to Dismiss be denied. *See* Docket #33. On December 16, 2015, the Defendant filed Objections to the Report and Recommendation. *See* Docket #40. PACER set the Government's response deadline for January 2, 2016, which was a Saturday. The Government's response is therefore due on January 4, 2016.

2. On January 5, 2015, undersigned counsel for the United States will begin a trial in the matter of *United States v. Charles Ray Bell, Jr.*, case number 2:14-cr-138-JAD-VCF. Counsel for the Government has been preparing for that trial for the last two weeks.

3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

1 4. The additional time requested herein is not sought for purposes of delay, but
2 merely to allow counsel for the Government adequate time to prepare an adequate response to
3 the Defendant's Objections.

4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.

6 6. This is the first stipulation filed herein to continue the Government's response
7 deadline.

8 For all of the above-stated reasons, the ends of justice would best be served by a
9 continuance of the motion response deadline.

10 **CONCLUSIONS OF LAW**

11 The additional time requested herein is not sought for purposes of delay, but merely to
12 allow the Government adequate time to prepare a response, taking into account due diligence.
13 The failure to grant said continuance would likely result in a miscarriage of justice.

14 **ORDER**

15 IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the
16 Government to respond to the Defendant's "Objections to Report and Recommendation"
17 (Docket #40) is extended until January 19, 2016.

18 DATED January 7, 2016.

19 
20 UNITED STATES DISTRICT JUDGE